

**LEAVITT, KERSON & SEHATI**  
ATTORNEYS AT LAW

PAUL E. KERSON  
MARC CRAWFORD LEAVITT  
TALI B. SEHATI

118-35 Queens Boulevard  
Suite 950  
Forest Hills, New York 11375  
(718) 793 – 8822

LUIS F. ECHEVERRERA  
JOSEPH N. YAMANER  
JOHN F. DUANE  
JERRY CHRISAFIS  
COUNSEL

BENJAMIN M. SHAW (1912-2002)

620 Fifth Avenue, 2<sup>nd</sup> Floor  
New York, NY 10020  
(212) 973 – 9339

Via ECF

October 31, 2023

Hon. Vera M. Scanlon  
U.S. Magistrate Judge  
U.S. District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Alessina, et al v. El Gauchito II, et al.*  
Docket No: 1:21-cv-04537-ENV-VMS

Dear Magistrate Judge Scanlon:

Please be advised that I represent the Defendants in connection with the above name case.

I am writing to respond to your Order requiring a Status Report concerning this case by today, October 31, 2023.

On or about October 5, 2023, I received the attached Decision and Order from the Clerk of the Appellate Division, Second Department in the substantially related case in that Court under Appeal No: 2021-08890. The Alessina Respondents in that case (Plaintiffs in this U.S. District Court case) prevailed.

My clients, El Gauchito II Corp., et al (the Appellants in that case and Defendants in the U.S. District Court case) plan a Motion for permission to Appeal to the New York State Court of Appeals in Albany, NY.

Your Honor's attention to this case is greatly appreciated. Best regards.

Sincerely,

  
Paul E. Kerson

PEK:gd

cc: Mr. Mario Civelli, El Gauchito II Corp.  
Mr. Marcello Civelli, El Gauchito II Corp.  
Ms. Vanessa Civelli, El Gauchito II Corp.  
Luis Echeverria, Esq., Co-counsel for El Gauchito II Corp.  
Josef Nussbaum, Esq., Attorney for Alessina Plaintiffs